

Remarks

The Office Action of August 13, 2003 and the references cited therein have now been carefully studied. Reconsideration and allowance of this application is earnestly solicited.

The present invention is directed to a system for allowing an individual to activate a device, such as a firearm, after it has been established that that individual has authorization to actuate the firearm. This embodiment is recited in claims 1-10. A second embodiment as recited in claims 11-20 would authorize an individual access to a secured area, such as a room or building. Both embodiments utilize a portable device for making the determination that an authorized individual can operate the device as recited in claims 1-10 or would be allowed access to the secured area as recited in claims 11-20. The device would include a memory for storing data, such as an individual's social security number, password or the like. These portable devices would also include a means for inputting data into the device, such as by the use of a keypad. The portable device would further be provided with circuitry for comparing the data stored therein with the data entered by the individual through the use of the keypad. Only if a positive match is determined, would a signal be generated by the portable device received by a receiver associated with the firearm as recited in claims 1-10 or a receiver associated with allowing access to the secured area as recited in claims 11-20.

The Examiner has rejected claims 11, 12 and 14-20 under 35 U.S.C. §103(a) as being unpatentable over United States Patent 5,397,884 issued to Saliga in view of U.S. Patent 4,614,861 issued to Pavlov et al. This rejection is respectfully traversed.

The patent to Saliga describes a system for allowing an individual in possession of a linking device 42 such as a key, access to various areas, such as a hotel room or safety deposit box. The linking device 42 is provided with "little more than

a non-volatile electrically alterable memory 40" (see column 8, lines 49-50) used to allow access to the particular area. The linking device 42 would be programmed with one or more codes. When an individual wishes to gain access to a particular area such as a hotel room or safety deposit box, the linking device 42 would be inserted into an appropriate device at which time a comparison would be made between the information contained in the linking device 42 and information contained in a memory associated with a control computer. If a match is determined, access would be given to the individual. It is important to note that the linking device 42 while somewhat analogous to the portable device recited in the claims of the present invention makes no comparison and does not produce a signal transmitted to a second device if the match has been determined.

The patent to Pavlov et al describes a unitary, self-contained card verification and validation system 10 including a key pad 12, a display 14 and a microprocessor 34. A memory is provided into which a personal identification number (PIN) is stored. The keypad 12 will allow an individual to input the PIN into the card at which time a comparison is made with the information stored therein. If a favorable comparison is made, a card verification signal would be produced allowing card verification information to be displayed. As was true with respect to the Saliga patent, once a positive identification has been established by comparing stored numbers with those numbers entered in the keypad, no signal is transmitted between the portable device 10 of Pavlov et al with a second device allowing access to an area or the operation of a particular device. It is important to stress that the card verification signals produced by the Pavlov et al device would remain internal and would not be transmitted to a second device. As indicated hereinabove, the card verification signals merely result in the production of information in a display 14.

Therefore, it is respectfully believed that the combination of the Saliga and Pavlov et al patents as suggested

by the Examiner would not produce a device as recited in claim 11 and all claims depending directly or indirectly therefrom. The combination suggested by the Examiner in which the self-contained verification card described in Pavlov et al would be used instead of the linking device 42 of Saliga would not produce applicant's invention as recited in claim 11.

Claim 11 specifically recites a device in which the portable device produces a first output signal if a match is determined, said signal transmitted to a receiver which would then open a portal as described in claim 14 to allow access to a protected area. Rather, the combination of the Saliga and Pavlov et al patents would still result in a device in which no output signal is produced by the portable device.

Additionally, since the device described in Saliga is used primarily in hotels or banks, the use of the Pavlov et al keypad instead of the linking device 42 would increase costs and at the same time decrease the operability of the system. This is true since based upon the combination suggested by the Examiner, the portable device would not necessarily need to compare a first stored number with a second number entered by the keypad to obtain access to the secured area. Rather, for this combination to operate, when an individual would check into a hotel, that individual would be given the keypad of Pavlov et al at which time an identification number would be entered into the keypad as well as into the hotel's computer system. Thereafter, when that individual wishes to enter the secured area, the keypad would be inserted into a locked door and the central computer would make the required comparison between the information entered into the portable device and the information contained in the hotel's computer system to determine whether access should be permitted. Therefore, in this situation, if the portable card was stolen from the authorized individual by a second individual and that second individual knew the authorized individual's room, access would be permitted if that second individual inserted the portable card into the proper hotel door.

Alternatively, if the Pavlov et al card would operate in a manner similar to the teachings of the present invention by producing a signal after a comparison is made between a stored personal identification number and an entered personal identification number, this also would be an unworkable situation. Initially, applicant again reiterates that the combination suggested by the Examiner does not produce a system in which a portable card would produce a signal after a proper comparison is made between a stored number and an entered number, said signal transmitted to a second device for allowing access to the secured area. But even if this were true, the Pavlov et al card would never work in the situation described in the Saliga patent. In that instance, an individual checking into a hotel would be given the Pavalov et al card and asked to input a number or code therein. This number or code would then be entered into the hotel's system. Since, due to security consideration, the individual would not feel comfortable in providing the hotel staff with personal information such as a Social Security number, that individual would more likely provide the hotel's staff with a random number which could easily be forgotten. If this number is forgotten, then the card would become useless.

Consequently, this system as envisioned by the Examiner would prove to be unwieldy. Therefore, it is believed that the invention as cited in claim 11 and all claims depending therefrom would not be produced or even suggested by the combination of the Saliga and Pavlov et al patents. Therefore, reconsideration and removal of this rejection are respectfully urged.

The Examiner has rejected claims 1-4, 6, 7 and 9 under 35 U.S.C. §103(a) as being unpatentable over Pugh in Imran and Pavlov et al. This rejection is respectfully traversed.

Claims 1-4, 6, 7 and 9 are directed to a system in which a safety latch of a firearm is deactivated based upon the utilization of a portable device producing a signal directing the safety latch to be deactivated. This signal is produced by the portable device after a comparison is made between data entered

by an individual utilizing the keypad with data which has been previously stored therein. Only if a match is made, would the signal be produced to deactivate the safety latch. Applicant has amended claims 1, 2, 3, 7, 9 and 10 to more particularly claim the subject matter of the present invention. It is noted that no additional subject matter has been added to these claims.

The patent to Pugh describes a magnetic actuated firearm locking mechanism utilizing a portable encoder E in conjunction with a decoder D physically attached to a firearm. The portable encoder E takes the form of a ring which, when placed in proximity with the decoder D would release the safety latch if a match is determined. As can be appreciated, no provision is made in the Pugh patent to ensure that the individual in possession of the encoder E is indeed authorized to utilize the firearm. According to the Examiner, the patent to Imran discloses an electronic access card as well as a key pad. However, as previously discussed in our response filed May 27, 2003, the patent to Imran in and of itself does not allow access to a protected area, such as the lock box described in Imran. Rather, the patent to Imran discloses a card in which information can be inputted and then transmitted from the access card to the lock box or vice versa. Therefore, when combined with the teachings of the Pavlov et al patent as described hereinabove, along with the Pugh patent, no combination is still established in which a proximity device produces a signal to deactivate the safety latch of a firearm based upon the comparison of personal reference data information provided within the proximity card with personal data information directly entered into the card by a user. It is submitted that claim 1 as well as all claims dependent therefrom require a system in which the proximity device produces a signal based upon the comparison of information. Consequently, reconsideration and withdrawal of this rejection are respectfully urged.

The Examiner has rejected claim 5 utilizing the above-mentioned combination along with the patent to Vardanyan. The

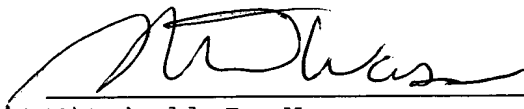
Examiner has also rejected claim 8 based upon the Pugh, Imran and Pavlov et al patent further in view of the patent to Tamaka. However, since it is believed that claim 1 is not suggested by the Examiner's combination of the Pugh, Imran and Pavlov et al patents, it is believed that claims 5 and 8 do recite patentable subject matter. Consequently, reconsideration and withdrawal of these rejections are respectfully urged.

The undersigned appreciates the Examiner's determination that claims 10 and 13 contain patentable subject matter and would be allowed if rewritten in independent form and a terminal disclaimer is filed. While Applicant has not written 10 and 13 in independent form since it is believed that all of the claims do contain patentable subject matter, applicant is filing a terminal disclaimer to accelerate the prosecution of this application.

It is believed that with the filing of the enclosed terminal disclaimer, all of the claims now present in the application do contain patentable subject matter and should be allowed. Consequently, reconsideration and allowance of this application are earnestly solicited.

If any additional fees are due and owing, you are authorized to charge the deposit account 08-2455.

Respectfully submitted,

  
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WE CLAIM:

1. (Currently Amended) An electronic identification system for operating a firearm provided with a safety latch, comprising:

a portable proximity device provided with ~~a data source having at least one reference identification number stored therein~~ personal reference data information stored therein, said proximity device further including a device for manually entering personal ~~identification numbers~~ data information therein;

a receiver associated with the firearm;

comparison means provided within said proximity device to compare said personal ~~identification numbers~~ data information with said personal reference ~~identification number~~ data information; and

transmission device provided with said proximity device for transmitting a signal from said proximity device to said receiver only if said personal ~~identification number~~ data information matches one of said personal reference ~~identification numbers~~ data information, said signal releasing the safety latch of the firearm, thereby allowing said firearm to be utilized.

2. (Currently Amended) The electronic identification system in accordance with claim 1, wherein said portable proximity device and said receiver are each provided with an antenna for receiving and transmitting information.

3. (Currently Amended) The electronic identification system as in claim 1 in which the said means for entering said personal ~~identification numbers~~ data information is a data entry device integral to said data source.

4. (Original) The electronic identification system as in claim 1, powered by battery.

5. (Original) The electronic identification system as in claim 1, powered by solar cell.

6. (Original) The electronic identification system as in claim 1, powered through the antenna by electromagnetic coupling and rectification and thence to the circuits of said data source.

7. (Currently Amended) The electronic identification system in accordance with claim 2, wherein said signal is transmitted from said portable proximity device to said receiver by radio frequency waves.

8. (Original) The electronic identification system in accordance with claim 7, wherein said antennas are dipole antennas.

9. (Currently Amended) The electronic identification system as in claim ~~7~~ 2 in which the said device for entering personal identification numbers is a data entry device integral to the said data source.

10. (Currently Amended) The electronic identification system in accordance with claim 1, further including a timer initiated by the entry of said personal ~~identification numbers~~ data information, after a suitable period of time, said timer emitting a command which halts the functioning of said portable proximity device until there is a second entry of said personal ~~identification numbers~~ data information into said proximity device.

11. (Currently Amended) An electronic identification system, comprising:

a portable device provided with a memory including stored data information, an input device for manually entering personal data information into said portable device, and a



comparison device for comparing said stored data with said personal data information, and producing a first output signal only if said personal data information entered in said input device matches a number in said stored data information; and

a receiver for receiving said first output signal produced by said portable device, said receiver in physical contact with said portable device when receiving said first output signal, said receiver producing a second output signal to operate a device.

12. (Original) The electronic identification system in accordance with claim 11, wherein said input device is a keyboard or keypad.

13. (Original) The electronic identification device in accordance with claim 11, further including a timer provided in said portable device initiated by the entry of said first data information, after a suitable period of time, said timer emitting a command which halts the functioning of said portable device until there is a second entry of the first data information into said portable device.

14. (Original) The electronic identification system in accordance with claim 11, wherein said second output signal opens a portal to allow access to a protected area.

15. (Original) The electronic identification system in accordance with claim 11, wherein said second output signal operates a solenoid.

16. (Original) The electronic identification system in accordance with claim 11, wherein said second output signal operates a relay.

17. (Original) The electronic identification system in accordance with claim 11, wherein said second output signal operates a switch.

18. (Original) The electronic identification system in accordance with claim 11, wherein said portable device has a magnetic strip thereon and said receiver is provided with a magnetic swipe reader.

19. (Original) The electronic identification system in accordance with claim 10, wherein said suitable period of time is adjustable by the user.

20. (Original) The electronic identification system in accordance with claim 13, wherein said suitable period of time is adjustable by the user.